

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. Y-11/09-598
)
Appeal of)

INTRODUCTION

The petitioner appeals the decision by the Department for Children and Families, Economic Services Division, Health Access Eligibility Unit (HEAU) finding him ineligible for VHAP due to excess income, and "transitioning" him to the Catamount Health program (CHAP). The issue is whether the imposition of conditions on coverage for certain services under CHAP requires the Department to keep the petitioner on VHAP. The following facts are not in dispute.

FINDINGS OF FACT

1. The petitioner, who was receiving VHAP, reapplied for health benefits in October 2009. He is currently unemployed, and his income from unemployment benefits is \$1,668.40 a month. The Department determined that this was in excess of the \$1,359 maximum for VHAP eligibility, but it found the petitioner eligible for premium assistance under CHAP.

2. The petitioner suffers from a health condition that requires him to take medication for which it is necessary to obtain regular tests to monitor his blood levels. The medication and the periodic blood tests were both covered under VHAP.

3. Under CHAP, the petitioner can choose to enroll in one of the two managed care plans that are offered, Blue Cross or MVP. Both plans provide coverage for the petitioner's medications, but both also impose a one-year waiting period before they will cover any blood tests due to the petitioner's preexisting condition. Understandably, the petitioner would rather remain on VHAP, and not have the coverage for his blood tests discontinued.

4. The Department maintains that the fact that its CHAP plans require certain waiting periods for preexisting conditions does not require a continuation of VHAP coverage if an individual is over the income maximum for that program.

ORDER

The Department's decision is affirmed.

REASONS

As a general matter, eligibility for VHAP and CHAP is based on income. In this case there is no question that the

petitioner's income is over the maximum for VHAP. See Procedures Manual § P-2420. As a result, the Department has determined that the petitioner is eligible for CHAP, but it admits that certain coverage conditions exist under this program that are not imposed by VHAP.

At the hearing in this matter, held on December 4, 2009, the hearing officer advised the petitioner that he could apply for General Assistance (GA) if he is ever faced with a medical emergency due to his inability to obtain necessary blood tests that aren't covered under CHAP. He was also advised that he should immediately reapply for VHAP if his unemployment runs out, or if his income is otherwise reduced.

However, inasmuch as the Department's decision in this matter was in accord with the pertinent regulations, the Board is bound by law to affirm. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 1000.4D.

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